

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17018 of 2007

14.8.2007

Between:

Yanamala Ravi, S/o.Ramaiah
And others

...Petitioners

And

The Government of A.P., represented by its
Special Chief Secretary, Revenue Department,
Secretariat, Hyderabad
And others

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17018 of 2007

ORDER:

Petitioners are allegedly owners and possessors of land admeasuring an extent of Acs.2.00 to Acs.4.00. The land is comprised in survey Nos.412, 425 and 560 situated at Kodurupadu village in Nellore District. The land was purchased by the petitioners from different vendors under registered sale deeds dated 14.8.2000. Petitioners allege that the land originally belonged to one Balasala Peram Raju, who had purchased the same in 1920 from Desabatla Krishnaiah. His only son Janardhanam Naidu executed a Will in favour of his son, Jagannadha Rao, on 14.4.1963. Jagannadha Rao filed a declaration before Land Reforms Tribunal under Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1976, and he was declared as non-surplus holder. Jagannadha Rao sold the property to Lankada Vishnu Mohan on 20.11.1971, from whom vendor of the petitioners purchased the property.

Fourth respondent initiated action under Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and passed an order on 25.9.2004 for resumption of the land in possession of the petitioners. Petitioners' appeal before the third respondent was dismissed on 30.7.2005. Their revision petition before the second respondent was also dismissed on 31.1.2006. Petitioners then carried the matter to the Government by way of further revision under Section 4-B(2) of the Act. The Government, after hearing the petitioners, issued the impugned proceedings on

24.2.2007 rejecting their revision petition against which the present writ petition is filed.

Learned Counsel for the petitioners has taken this Court through various documents and orders including the impugned order. He submits that the land was not Government land/assigned land and that Jagannadha Rao, vendor of petitioners' vendor, who filed declaration before the Tribunal, was declared as non-surplus holder and therefore the action initiated under the Act is illegal and arbitrary. **Per contra**, learned Assistant Government Pleader for Revenue (General-A) submits that all the authorities below have decided against the petitioners holding that it is assigned land and therefore on a question of fact writ petition would not lie. He also submits that even this Court has a reason to believe if the second opinion is available, in a writ petition, the Court cannot replace its view for the opinion of the fact finding authority.

A perusal of various orders passed by original authority, appellate authority as well as both the revisional authorities have appreciated would show that they have appreciated and evaluated the factual background and applied law correctly. In such an event, question of illegality would not arise nor learned Counsel for petitioners is able to point out gross perversity in the findings recorded by the authorities. This being a question of fact cannot be agitated even if another view is possible. As rightly submitted by learned Assistant Government Pleader, if the diaglot register shows that the land in survey Nos.412, 425 and 560 is shown as assigned land, the same conclusively proves and there cannot be any different opinion on the same. Further, as observed by first respondent, petitioners did not place all the link documents. Dealing with this aspect of the matter, first respondent observed as under.

A perusal of it, shows that they failed to produce all the link documents and particularly title document of Sri B.Janardhan Rao Naidu, the original assignee. Further, the Revision petitioners also could not explain the entry in the Village Diaglot Register of the Mandal Revenue Officer's Office. It is also not out of place to mention that as per the report of Mandal Revenue Officer, Nellore, dated 16.1.2007, petitioners also requested the Government to regularize the land on payment of market value in favour of the applicants which indicates that petitioners agreed that it is a government land. The report of the Collector, dated 26.1.2007 mentions that as per the Village Diaglot Register of Kodurupadu village pertaining to Sy.Nos.425, 412 and 560 show that the lands are Government lands.

The finding recorded by first respondent was well supported by

the record and it does not warrant interference in this writ petition. The writ petition is misconceived and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

August 14, 2007
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